

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

MORSE ELECTRICT, INC.,

Plaintiff,

v.

Case No. 22-91-JWB

STEARNS, CONRAD AND SCHMIDT
CONSULTING ENGINEERS, INC.,

Defendant.

MEMORANDUM AND ORDER

This matter is before the court on the December 21, 2023, Report and Recommendation (“R&R”) (Doc. 64) by United States Magistrate Judge Gerald L. Jackson, which recommended that Plaintiff’s motion to stay and compel arbitration (Doc. 51) be DENIED. The R&R is incorporated herein by reference. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

Plaintiff was advised that specific written objections were due within 14 days after being served with a copy of the R&R. (Doc. 64 at 7.) That time has now passed and Plaintiff has not filed an objection. Plaintiff’s failure to object leaves it with no entitlement to appellate review. *Williams v. United States*, No. 19-2476-JAR-JPO, 2019 WL 6167514, at *1 (D. Kan. Nov. 20, 2019) (citing *United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996)). “In the absence of timely objection, the district court may review a magistrate’s report under any standard it deems appropriate.” *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991) (citing *Thomas v. Arn*, 474 U.S. 140, 150 (1985)).

The court agrees with the reasoning of Magistrate Judge Jackson’s analysis and recommendation and finds that “there is no clear error on the face of the record.” *See* Fed. R. Civ.

P. 72(b) advisory committee's note. Thus, the court ADOPTS the R&R as the findings and conclusions of this court. Accordingly, Plaintiff's motion to stay and compel arbitration (Doc. 51) is DENIED.

IT IS SO ORDERED. Dated this 23rd day of January 2024.

____ s/ John Broomes _____
JOHN W. BROOMES
UNITED STATES DISTRICT JUDGE